

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
NOVEMBER 23, 2010
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Chairperson; Lou Marr, Tom Wetherald, and Jeff Sharp

Staff Present: Laura Thayer, Assistant Planning Director; Alan Whitted, Deputy City Attorney; Derek Naber, Associate Planner; and Stephanie Carr, Code Enforcement

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

OLD BUSINESS REQUIRING BOARD ACTION

Public Hearing

Ms. Ferdon read a letter from Mainsource Bank **C/DS-10-20** requesting to withdraw their petition to allow a primary structure to be set back 17 feet from the 0-foot build-to line on Washington Street, and 32 feet from the 0-foot build-to line on 8th Street.

Lou Marr made a motion to approve the request. The motion was seconded by Tom Wetherald, and passed 4-0.

C/CU-10-15: Mainsource Bank

Mainsource Bank is requesting a conditional use approval per Zoning Ordinance Section 6.1(Table 6.1) for a drive-up bank facility in the CD (Commercial Downtown) zoning district. The property is located at 803 Washington Street in the City of Columbus.

C/DS-10-33: Mainsource Bank

Mainsource Bank is requesting a development standards variance from Zoning Ordinance Section 7.1(Part 2)(D)(3)(c) to allow 2 drive-through stacking spaces in the planned public right-of-way of 8th Street; a development standards variance from Zoning Ordinance Section 7.2(Part 4)(B)(3)(c) to allow 4 parking spaces (drive-through stacking spaces), a driveway along 8th Street,

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and a driveway along Washington Street, to be located in the front yards of a property located in the CD (Downtown Commercial) zoning district; and a development standards variance from Zoning Ordinance Section 7.2(Part 4)(B)(1) to allow 1 parking space (drive-through stacking space) to be 2 feet from the existing right-of-way along 8th Street, less than the 5-foot minimum setback, and to allow driveways along Washington Street and 8th Street to be 0 feet from the existing right-of-way, less than the 5-foot minimum setback. The property is located at 803 Washington Street in the City of Columbus.

Nolan Bingham, Chris Harrison and Chuck Corbin stated their names and addresses for the record.

Derek Naber began the meeting with a powerpoint presentation and read the background into the record.

Mr. Naber said that the proposal contradicts goals and policies recommend in the Comprehensive Plan. He said the Comprehensive Plan indicates that this area should be intensely developed and should enhance the character of the downtown.

Mr. Naber said the facility does not allow pedestrians to access the site and furthermore, does not increase the intensity of development as recommended in the Comprehensive Plan.

Mr. Harrison said that they believe this lot would be perfect for the downtown area and they could build a less expensive bank, but the bank has agreed that they are going to dress it up and make it a much better looking bank. He stated it was his opinion that this would fit in with the downtown area.

Mr. Harrison said there would not be any late night traffic, except for the 24 hour ATM Machine.

Mr. Sharp asked Mr. Corbin if he could address the criteria that had not been met.

Mr. Corbin said that he has been a resident of Columbus for many of years and he said he has also sat on the Board and he did not ever recall any variance request that did not meet all criteria in the downtown area.

There was no one to speak at the public hearing.

Lou Marr made a motion to approve **C/CU-10-15**, accepting the provisional findings of fact for criteria 1, 2, and 3. She said she believes that criterion 4 has been met, and that this was never an area that was built to the street. She said that this building will be low profile, it will not be open at night, it is going to have beautiful landscaping, and it will help keep the value of the homes in that area. She said the proposed use will be consistent with the character of the zoning district in which it is located and the

recommendations of the Comprehensive Plan. She said the proposal fits in with the surrounding context.

Jeff Sharp seconded the motion, motion passed 4-0.

Jeff Sharp made a motion to approve **C/DS-10-33**, variance request number 1, accepting staff's findings of fact. Lou Marr seconded the motion, and it passed 4-0.

There was a brief discussion regarding the recommended conditions, for variance number 1.

Lou Marr amended **C/CU-10-15** to accept the conditions as stated by staff. Jeff Sharp seconded the motion, and it passed 4-0.

Lou Marr made a motion to approve **C/DS-10-33**, variance request number 2, accepting staff's findings of facts. Jeff Sharp seconded the motion and it passed 4-0.

Lou Marr made a motion to approve **C/DS-10-33**, variance request number 3, accepting staff's findings of facts. It was seconded by Tom Wetherald and passed 4-0.

C/DS-10-26 Edna Derringer

Edna Derringer is a request for a development standards variance from Zoning Ordinance Section 7.1(Table 7.1) to allow a residential property with 2 dwelling units to have 3 parking spaces, instead of 4 as required. The property is located at 2219 Home Avenue in the City of Columbus.

Edna Derringer and Eric Derringer stated their names and addresses into the record.

Mr. Naber began by reading the background for the record.

He said that on October 26, 2010, the City of Columbus Board of Zoning Appeals approved the requested variance that would allow the applicant to have a an accessory dwelling above a detached garage with the condition that dwelling have access to the public sewer system and the dwelling shall be brought up to building code.

Mr. Naber said if the Board of Zoning Appeals should choose to approve the variance the following condition should be attached: The parking spaces not located within the garage shall be paved. He said that there was a revised site plan submitted by the petitioners.

Mr. Derringer said he could not meet the setbacks required for the parking, but there is plenty of parking available on the street.

The meeting was open to the public.

Tracey Thomas-Davis was opposed to the variance request and asked that Ms. Ferdon read her request for denial that was submitted by her attorney, Jason Guthie.

The meeting was closed to the public.

Ms. Marr said that maybe it should not have been approved last month, knowing that there was a parking problem.

Mr. Sharp said that there was an opportunity to fix the parking problem at the last meeting.

There was a brief discussion on the parking.

Jeff Sharp made a motion to continue **C/DS-10-26** to allow the board to review the area further. The motion was seconded by Lou Marr and passed 4-0.

NEW BUSINESS REQUIRING BOARD ACTION

C/DS-10-30: Greg Kreinop

Greg Kreinop is requesting a development standards variance from Zoning Ordinance Section 3.10(C) to allow a structure to be 2 feet from the side property line, 3 feet less than the required 5 foot setback; and a variance from Zoning Ordinance Section 9.3(C)(2) to allow a fence to be 9 feet high, 3 feet higher than the maximum permitted height. The property is located at 3311 Washington Street in the City of Columbus.

Greg Kreinop stated his name and address into the record.

Tom Wetherald asked to be excused from this variance request since the petitioner worked for him.

Ms. Thayer began by reading the background information and there was a powerpoint presentation.

Ms. Thayer said the petitioner has placed a temporary metal storage container on the property at 3311 Washington Street in order to store the contents of the house on the property while it is being remodeled.

She said the petitioner is requesting a variance to allow a fence that is 9 feet in height, 3 feet higher than permitted, in order to screen the storage container.

Ms. Thayer said the zoning ordinance does not require the storage container to be screened.

Mr. Kreinop stated that he was trying to help his family after his uncle passed away this summer and his aunt is elderly. He stated she owns the property and he is overseeing it. He said nothing had been done for years and he is going to completely remodel it. He said his uncle's son lives in California.

Mr. Kreinop said he works 3 jobs and he is trying to do this on the side so it will take some time to get the remodeling done. He said he tried to put the container as far back as he could.

The meeting was open to the public.

Earl Clip, 511 Lundy, was opposed to the variance request.

John Keller, owner of 504 Lundy Lane, had questions about the fence.

Ms. Ferdon read a letter into the record from Mr. Kreinop's cousin, Jessie Kreinop, who was in favor of the variance request.

The meeting was closed to the public.

Mary Ferdon made a motion to deny **C/DS-10-30**, based on the findings of fact as presented by staff. Lou Marr seconded the motion and it passed 3-0.

Tom Wetherald returned to the meeting.

FINDINGS OF FACT

C/DS-10-17: Zwanzigz

Jeff Sharp made a motion to accept the findings of fact, which was seconded by Lou Marr. The motion carried by a vote of 3-0.

C/CU-10-17: Michael and Nikolette Clark

Lou Marr made a motion to accept the findings of fact, which was seconded Jeff Sharp. The motion passed 3-0.

C/CU-10-16: Joshua Kestler

Jeff Sharp made a motion to accept the findings of fact, which was seconded by Lou Marr. The motion carried 3-0.

C/DS-10-25: Benita and Ken Federle

Lou Marr made a motion to accept the findings of fact, which was seconded by Jeff Sharp. The motion carried 3-0.

C/DS-10-26: Edna Derringer

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Jeff Sharp made a motion to accept the findings of fact, which was seconded by Lou Marr. The motion carried 3-0.

APPROVAL OF MINUTES

Upon the motion made by Lou Marr and seconded by Jeff Sharp, the minutes of the October 26, 2010 were approved 3-0.

DISCUSSION

Lou Marr wanted to make a comment about an article that was in her packet on sprawl repair that was very interesting. She said she believes in saving land and that she thinks this is something that the board needs to start addressing in the ordinances.

There being no further business the meeting was adjourned.

Mary Ferdon, Chair

Jeff Sharp, Acting Secretary